

# Department of Consumer Protection

Testimony to Environment Committee, March 12, 2010

In opposition to

**HB-5419 'AN ACT CONCERNING FARMS, FOOD AND JOBS'**

Frank Greene, Director, Food & Standards Division

Senator Meyer, Representative Roy, Senator McKinney, Representative Chapin and Honorable members of the Environment Committee, I am Frank Greene, Director of the Department of Consumer Protection's Food & Standards Division. Thank you for the opportunity to submit testimony in opposition to Raised House Bill 5419.

As was the case with a similar proposal last session, the Department understands and applauds efforts to assist Connecticut's farmers. Our opposition to this bill arises not from the good intentions of the proponents, but solely from our strongly held belief that carving out the proposed exemptions will lead to increased cases of sickness and even death of the consuming public.

To many people, there may appear to be little difference between allowing the production of jams and jellies in home kitchens, and the production of other jarred foods such as pickles, salsa and the like. But the difference is profound. The current exemption for jams and jellies is limited to fruit grown and produced on the farm, and critically important is that fruit is naturally acidic. It is acid that inhibits bacterial growth. Jams and jellies by statute must also be produced with sugar, which acts in a manner similar to salt as a preservative and also works to inhibit bacterial growth. Jams and jellies made with fruit have never shown themselves to pose a significant risk for food borne illness whereas other food items such as vegetables, that aren't naturally acidic, do pose a serious risk even when acidified.

Consequently, the bill as written generates a number of concerns. There is a very real risk for disease and death by the inclusion in this bill of products (vegetables) and processes (acidification) that have been shown to be repeatedly implicated in cases of botulism. According to the Center for Disease Control the primary risk for botulism is home canned foods. Botulism is a horrible disease which when untreated has a high mortality rate, with death caused by respiratory failure. For those individuals that survive, a lifetime of significant medical ailments may ensue. In short, this is a very serious disease.

It should also be noted that there are very specific requirements under the Food and Drug Administration regulations for the production of such foods. These requirements may continue to be in effect regardless of any state's exemption for such processes. As such, it may be that simply taking a food handler course is not sufficient to meet the FDA requirements. Further, awareness of the process of "equilibrium" is crucial to any canner. In equilibrium the pH of the product drifts in a less acidic direction as a result of the acid mixing with the non-acid

vegetable. This process, depending on the ingredients can occur over an extended period. If this process is not accounted for the final pH of the product may end up in the danger zone for the growth of botulism.

Testing is also crucial. If a laboratory is used it should be one that is certified or accredited to deal with food testing. Its pH meters or test procedures should be validated regularly to ensure accuracy.

Production of food as contemplated by this legislation also makes one consider the risks for other food borne diseases. For instance, even when a home operator may strive for good sanitation, there is always a concern regarding the presence of a sick child; and hand sanitation following the handling of soiled diapers; and the presence of family pets. These issues cannot always be controlled and represent an increased risk of food borne illness.

Second, home processors do not usually meet all the requirements of food safety regulations; and this bill seeks exemption from inspection and licensing of certain residential kitchens. It should be noted that neither DCP's nor DPH's regulations are designed to frustrate home processors. The formation of these regulations is quite literally constructed upon real-life experiences and tragedies regarding foodborne illnesses and outbreaks. The creation of a special exemption, particularly for the foods proposed, creates a loophole in the food safety system which is designed to protect the consuming public from undue risk.

Additionally, customary residential equipment such as ovens and refrigerators available in home kitchens are not designed or manufactured to produce, cool and hold large volumes of prepared foods. This lack of commercial equipment creates an added contributing risk factor to foodborne illness.

The Department recognizes that certain individuals want to produce jarred and canned products and while charged with enforcing food safety laws we also currently do our best to assist the operator in producing a safe food product. We have demonstrated our commitment to this by working with entrepreneurs who want to engage in food processing by guiding them to educational resources in our State and surrounding State Extension Services, as well as to directing them to acceptable venues where commercial kitchens are already located; including churches, restaurants or service organizations. We are currently working with three organizations to establish a cooperative kitchen in the State where processors can produce products under inspection and sanitary control. These are the real and safe options for those operators who want to start a food business.

Turning to another section of this bill, there is language to provide inspection-exemptions for poultry slaughter operations. We have some concerns about the retailing of uninspected meat and poultry but understand that there is a demand for locally grown products. It should be pointed out that currently there is a system in place called "custom exempt" which does allow a grower to sell to consumers without inspection. Rather than initiate a separate process there should be greater education on how "custom exempt" currently operates in Connecticut.

Thank you again for the opportunity to remark on HB-5419.

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